United Nations A/61/513

General Assembly

Distr.: General
12 October 2006

Original: English

Sixty-first session
Agenda item 67 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Regional arrangements for the promotion and protection of human rights

Report of the Secretary-General*

Summary

The present report on regional arrangements for the promotion and protection of human rights has been prepared in accordance with General Assembly resolution 59/196 and contains information on action taken pursuant to that resolution.

For several years, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been pursuing and elaborating a regional and subregional approach towards more effective promotion and protection of human rights, resorting to a broad range of strategies and tools in order to maximize the mainstreaming of human rights into the work of the United Nations as well as of regional institutions. This regional approach has proved particularly valuable for OHCHR in engaging with countries where it does not have an Office. In 2005 and 2006, OHCHR gave a new impetus to its regional strategy in line with the Secretary-General's report "In larger freedom: towards development, security and human rights for all" (A/59/2005), the plan of action of the High Commissioner for Human Rights (A/59/2005/Add.3, annex) and the High Commissioner's subsequent strategic management plan for 2006-2007.

The present report thus focuses on regional strategies of OHCHR and on the most significant developments, following the reports on regional arrangements for the promotion and protection of human rights (A/59/323) submitted to the General Assembly on 2 September 2004, and to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/104).

* The report was submitted late in order to take into account the latest developments related to regional arrangements for the promotion and protection of human rights.

06-56826 (E) 251006

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I. Introduction

1. In its resolution 59/196, the General Assembly requested the Secretary-General to submit to it at its sixty-first session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights, and to include therein the results of action in pursuance of that resolution.

2. In that resolution the Assembly requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations. The Assembly welcomed the decision of OHCHR to strengthen national protection systems in accordance with action 2 of the reform programme of the Secretary-General.

3. In line with my report "In larger freedom: towards development, security and human rights for all", the plan of action and the subsequent strategic management plan of the High Commissioner for Human Rights foresee greater country engagement through various strategies, including through increased deployment of human rights staff, at the country and regional levels, and through strengthened partnerships with the United Nations system and other international, regional and national actors. Both plans provide for the strengthening of OHCHR regional offices and for the establishment of new ones as key to the implementation of the High Commissioner's strategic vision, including, at its core, enhanced country engagement.

4. The plan of action of the High Commissioner for Human Rights conceives engagement and dialogue at the country level as "the primary means through which OHCHR works to ensure the implementation of human rights" (A/59/2005/Add.3, annex, para. 127). Country engagement has indeed been identified by OHCHR as most effective in addressing protection gaps through presence at the country and regional levels in order to achieve the most consultative process with all actors concerned towards the promotion and protection of human rights: Government, civil society and other relevant national counterparts, as well as international partners, including within the United Nations and regional organizations.

5. In conformity with the approach outlined in paragraph 51 of the plan of action of the High Commissioner for Human Rights, regional offices will allow OHCHR to directly and constructively collaborate with Governments in the region, with relevant regional and subregional intergovernmental and non-governmental organizations in the area of human rights, national human rights institutions and United Nations country teams. Regional offices would thus facilitate the development and implementation of engagement strategies for all countries concerned.

6. In the light of the implementation of the High Commissioner's plan of action, the present report focuses on the regional strategies of OHCHR and the most significant developments since 2005, when the Secretary-General submitted to the Commission on Human Rights at its sixty-first session his report (E/CN.4/2005/104) on this subject.

II. Regional strategies of the Office of the United Nations High Commissioner for Human Rights: strengthening and establishment of regional and subregional offices

7. As articulated in the plan of action of the High Commissioner for Human Rights, the promotion and protection of human rights is most effective on the ground. Hence the importance for OHCHR of increasing its presence in the field, including through regional and subregional offices. The latter are essential to promote and protect human rights not only at the regional level but also in countries where OHCHR does not have a presence. They also play a significant part in developing solid partnerships with regional and subregional organizations and forums that are key to furthering the mainstreaming of human rights.

8. In this context, OHCHR has been implementing the following approaches:

(a) Strengthening existing regional and subregional offices;

(b) Establishing new regional and subregional structures;

(c) Adopting a subregional focus whenever appropriate;

(d) Conducting joint regional projects and sponsoring or organizing regional consultations and dialogues;

(e) Supporting the establishment of regional frameworks for the promotion and protection of human rights.

9. Through its expanded presence in the field, at both the country and the regional levels, OHCHR will be able to achieve the greatest impact in protecting human rights. In order to play an effective role, both country and regional offices need to be able to pursue the entirety of the High Commissioner's mandate, as set out in General Assembly resolution 48/141, and should be adequately staffed and resourced.

10. As defined in the High Commissioner's strategic management plan, regional offices are to fulfil the following roles and functions:

(a) Serve as OHCHR outposts and help to develop and implement engagement strategies for countries requiring more focused attention and for those in which OHCHR does not have a presence;

(b) Provide coverage for other countries, as requested by OHCHR headquarters;

(c) Engage with regional and subregional intergovernmental and non-governmental organizations;

(d) Function as support and resource centres for country offices, human rights components of peace operations and human rights officers deployed in the region by providing thematic expertise for capacity-building, fact-finding, advocacy and other activities.

11. The role of regional offices remains crucial in advising United Nations country teams and national counterparts on human rights in general, including on rights-based approaches to development and humanitarian assistance. OHCHR is strengthening its expertise and engagement in this area and is endeavouring, through

its reform process, to put in place adequate structures and policies to consolidate its engagement.

12. At present, OHCHR has six regional offices: in South Africa (Johannesburg), East Africa (Addis Ababa), Latin America (Santiago), the Middle East and the Gulf countries (Beirut), the Pacific (Suva) and South-East Asia (Bangkok). OHCHR is also responsible for the Regional Centre for Human Rights and Democracy in Central Africa (Yaoundé). The High Commissioner for Human Rights is in the process of strengthening the seven above-mentioned regional and subregional structures through the deployment of additional staff and realignment of activities in line with the plan of action and strategic management plan. Thus, the regional office for the Middle East and the Gulf, in Beirut, is being revitalized and restructured following the crisis in Lebanon. A sub-office of the regional office for the Pacific was set up in August 2006 in Solomon Islands (Horiara). Moreover, it should be mentioned that in June 2006 a regional representative was deployed to Kyrgyzstan (Bishkek) to cover Central Asia.

13. As envisaged in the strategic management plan, and as a central part of its country engagement strategy, OHCHR is actively working on the establishment of four new regional offices, and of a human rights training and documentation centre:

(a) OHCHR has undertaken preparations for the opening of a regional office for West Africa in Dakar, with an annex in Abuja. Progress has been achieved, and OHCHR expects to establish the two offices by the end of 2006;

(b) OHCHR has been holding consultations for the establishment of a regional office for Northern Africa in Cairo;

(c) OHCHR is in the process of identifying the most appropriate location for a future regional office in Central America. A decision should be made by October 2006;

(d) OHCHR is negotiating the establishment of a regional office for Central Asia in Kyrgyzstan;

(e) Preparations are under way to strengthen the New York Office for possible coverage for North America;

(f) Furthermore, as requested by the General Assembly in resolution 60/153, consultations with the Government of Qatar are ongoing to set up a human rights training and documentation centre for South-West Asia and the Arab region. It is expected to start operations in 2006. Pursuant to paragraph 2 of the resolution, the centre is mandated "to undertake training and documentation activities according to international standards and to support such efforts within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations".

14. OHCHR is working to ensure that all regional offices are structured around a common model.

15. The establishment and strengthening of links with regional organizations and institutions has continued to be an important focus of OHCHR activities throughout 2005 and 2006 through a number of practical efforts towards the integration of human rights into the work, policies and programmes of OHCHR partners.

III. Regional frameworks

A. Africa

16. Regional OHCHR arrangements for the promotion and protection of human rights in Africa are conducted on two fronts: through assistance to the African Union in strengthening its human rights mechanisms and through subregional representation to consolidate human rights capacities at the regional, subregional and national levels.

17. With regard to cooperation with the African Union, OHCHR is active mainly through its Addis Ababa regional office, which continued to provide assistance for the mainstreaming of human rights in policies and programmes of the African Union through the establishment of new mechanisms, organization of conferences, training and support for peace processes.

18. Through its regional representative in Addis Ababa and at its headquarters in Geneva, OHCHR has, over the past five years, developed a partnership with the African Union on key human rights issues and initiatives. In the context of a global project entitled "Comprehensive support for the African Union in strengthening the promotion and protection of human rights in Africa", OHCHR provides financial and technical support to strengthen the human rights foundation of the African Union, to maintain its focus on human rights issues and to ensure the institutionalization of human rights in its agenda and programme of work. With a view to supporting this process, OHCHR in Addis Ababa has assigned a human rights adviser to assist the African Union with the development and implementation of a human rights strategy, to facilitate improved access to human rights information and to support interaction between the African Union and African human rights defenders. The Office also directly supports the mainstreaming of human rights in the vision, strategic planning and programming of the African Union as well as in its institutional transformation. For example, a Human Rights Unit has been created within the Department of Political Affairs of the African Union and benefits from human rights advice and support from the OHCHR regional office in Addis Ababa.

19. Over the past three years, cooperation with the African Union has expanded to include joint activities such as support for African Union member States within the framework of action 2 of the Secretary-General's reform agenda. In addition, the African Union's strategic priorities for the next five years were developed, with technical assistance from OHCHR, to include a strong human rights agenda, with emphasis on building protection mechanisms at the country, subregional (Economic Community of West African States, Southern African Development Community, Economic Community of Central African States, and Intergovernmental Authority on Development) and regional levels through increased support for institutions and civil society organizations. In order to further consolidate its relationship with OHCHR, a draft memorandum of understanding between the two organizations is under consideration.

20. In the framework of the 10-year capacity-building programme to enhance partnership between the United Nations and the African Union, OHCHR intends to continue working with the African Union to build incrementally its capacity in the field of human rights. For example, OHCHR is very supportive of increased capacity-building activities between the United Nations and the African Union in

the areas of peacekeeping operations, institution-building and governance, human rights, rule of law and social, cultural and health issues.

21. In accordance with the memorandum of understanding signed in July 2002 between OHCHR and the Secretary-General of the Economic Community of Central African States (ECCAS), the Centre for Human Rights and Democracy in Central Africa (Yaoundé) continued, during the two years under review, to provide advice and technical assistance to the ECCAS secretariat. Such cooperation included the design of a legal framework for information management concerning freedom of movement in the subregion.

22. Through its civil society capacity-building project, the Yaoundé Centre has contributed to the emerging partnership of ECCAS with civil society organizations in the subregion. In this context, a subregional workshop on peacebuilding and conflict prevention for civil society organizations in Central Africa took place in Douala, Cameroon, from 10 to 12 April 2006. The meeting was organized by the Centre for Conflict Resolution in Cape Town, South Africa, in collaboration with the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, with the participation of ECCAS and the United Nations Peacebuilding Office in the Central African Republic. The objectives of the meeting included the provision of a platform for 40 civil society actors and policymakers, including ECCAS, to engage in and discuss the role of civil society in developing effective action for the prevention of violent conflicts in Central Africa.

23. OHCHR initiated a dialogue with the secretariat of the Southern African Development Community (SADC) in 2003 to discuss cooperation and offer technical assistance. Since 2003, despite OHCHR not having a cooperation agreement with SADC, various initiatives have taken place between the two entities. Thus, in July 2004, OHCHR assisted in the organization of the first SADC conference of chief justices on human rights and access to justice, in Botswana. Furthermore, representatives of SADC have participated in training and workshops organized by the OHCHR regional office for Southern Africa.

24. In May 2006, OHCHR participated in a meeting between the United Nations Regional Directors Team for Southern Africa and the executive secretary of SADC to discuss areas of future collaboration. SADC emphasized the need for capacity-building in the priority areas identified for the region, including peace, security, political stability, good governance, the rule of law and enhancement of democracy; the fight against poverty; food security and its impact on health; and HIV/AIDS, tuberculosis and malaria. As SADC has different relationships with different agencies of the United Nations, it was agreed that the community would review all existing memorandums of understanding and convene a meeting with United Nations agencies to harmonize these agreements for greater effectiveness. It was also agreed that there was a need for formal accreditation of the United Nations with SADC.

25. Following requests for technical assistance from the Economic Community of West African States (ECOWAS), as well as from States of the subregion, a project formulation mission of OHCHR took place from 20 to 29 February 2005 in Dakar and from 1 to 4 March 2005 in Abuja. The purpose of the mission was to hold consultations with relevant stakeholders in the subregion on the establishment of a subregional human rights presence and to identify areas of cooperation with ECOWAS and United Nations agencies and programmes. This mission provided an

opportunity to determine activities that could be implemented in the short term to contribute to the strengthening of human rights in West Africa, pending a final decision by the High Commissioner on the establishment of a subregional presence. The outcome of the mission and the requests for technical assistance received from different actors in the subregion led to an agreement between ECOWAS and OHCHR on activities and on a workplan for 2005. On 4 March 2005, an aide-memoire on collaboration was signed between OHCHR and the ECOWAS secretariat, which addresses the subject of greater awareness and understanding by ECOWAS of international and regional human rights standards and of human rights-based approaches to programming and policies. To this effect, a training programme on human rights mainstreaming took place in Mina, Nigeria, in September 2005, for various departments of ECOWAS and relevant institutions such as the Parliament and the Community Court. Furthermore, OHCHR deployed a human rights officer to Abuja from October to December 2005 to assist the ECOWAS secretariat in the development of a comprehensive human rights programme and of a strategy to address the issues of human trafficking, human rights and migration.

B. Arab region

26. On 17 April 2002, in the spirit of General Assembly resolution 56/40, OHCHR and the League of Arab States signed a memorandum of intent, which reflected a shared commitment to the promotion and protection of human rights and fundamental freedoms. Within this framework, OHCHR and the League of Arab States have been in cooperation in a number of activities, such as technical support for the revision of the Arab Human Rights Charter; capacity-building for staff of the League on human rights principles and standards; and the organization of regional conferences on national human rights institutions in the Arab region. OHCHR and the Human Rights Department of the League of Arab States will continue to cooperate on activities aimed at the promotion of human rights at the regional level and to that end will identify a regional strategy that will, inter alia, encourage member States to ratify and implement international human rights conventions and optional protocols as well as encourage withdrawal of reservations. It will also encourage States to sign and ratify the Arab Charter on Human Rights. OHCHR and the League of Arab States are preparing a programme of technical cooperation in order to reinforce the latter's capacity in the field of human rights, including with regard to women's rights, and to establish a framework for the development of a regional strategy for the promotion and protection of human rights.

27. Following the second participation of OHCHR in the general meeting of the United Nations and the Organization of the Islamic Conference (OIC), in Vienna in July 2004, and in line with the outcomes of the meeting, OHCHR prepared memorandums of understanding on cooperation with both OIC and the Islamic Educational, Scientific and Cultural Organization (ISESCO) in order to promote human rights. The memorandum of understanding with OIC was signed on 11 July in Rabat, and a workplan is being elaborated. The memorandum of understanding between OHCHR and ISESCO was signed on 29 November 2005, and a first set of activities took place in January 2006, with a training seminar on international and regional systems organized by OHCHR for six staff of the OIC secretariat and eight staff of the ISESCO secretariat. The seminar was a success, and ISESCO

subsequently submitted a proposal for joint activities, currently under study by OHCHR.

C. Asia and the Pacific

28. The strategies and priorities of the regional office for South-East Asia for 2006-2007 are aimed at assisting Association of Southeast Asian Nations (ASEAN) member States in ratifying and implementing international human rights instruments, establishing a regional human rights mechanism, developing legislation that is in conformity with international human rights standards (for instance, anti-terrorism legislation) and building capacity in the administration of justice.

29. The regional office also plays an important role in advising the Economic and Social Commission for Asia and the Pacific regarding human rights aspects of its activities and supporting the resident coordinators and United Nations country teams in the region, especially within the framework of rights-based approaches (Common Country Assessment and United Nations Development Assistance Framework).

30. The regional office will also focus on providing human rights training programmes for various target groups to strengthen national capacity in creating structures for the promotion and protection of human rights. General human rights training programmes have already been suggested to some ASEAN member States.

31. The thirteenth Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region was held from 30 August to 2 September 2005 in Beijing. It was attended by 33 States of the region, as well as representatives of subregional organizations, national human rights institutions, United Nations agencies and programmes, and non-governmental organizations.

32. In preparation for the workshop, OHCHR commissioned Vitit Muntarbhorn (Thailand) to update his review and evaluation of the Asia-Pacific Framework carried out in 2001, in order to assess its achievements and to propose options for the future role and direction of the Framework. The study was sent to all permanent missions of the Asia and the Pacific region on 10 June 2005, and consultations were held on 24 June 2005, in Geneva, with representatives of States of the region to discuss the recommendations contained in the study and, on 20 July 2005, to identify a common position on recommendations.

33. The first session of the workshop was dedicated to the review of the four pillars of the Tehran Framework: national human rights action plans; national human rights institutions; human rights education; and the right to development and economic, social and cultural rights. States were provided with the opportunity to present their achievements in promoting each of the pillars at the national level.

34. With respect to the Workshop's conclusions, it was widely accepted that increased involvement of the United Nations system in the implementation of the four Tehran pillars was necessary in order to strengthen the promotion of these priority areas. While it was agreed that United Nations country teams could not replace existing OHCHR functions in facilitating and promoting the pillars, it was recognized that they should nonetheless take a more active role in assisting States in the implementation of relevant activities. The need to further promote the national

human rights institutions pillar was strongly emphasized, and the significance of the work of both the Asia-Pacific Forum of National Human Rights Institutions and OHCHR was particularly highlighted in this regard. The promotion of economic, social and cultural rights and the right to development was identified as a main priority for the region, and the involvement of the United Nations system in implementing this pillar was thus particularly welcomed.

35. While no consensus could be attained on whether to pursue a subregional approach to the Asia-Pacific Regional Framework, agreement was eventually reached to hold broad-based consultations between workshops on this matter. At the time of submission of the present report, the Secretariat was in the process of analysing responses from Member States subsequent to a letter sent by OHCHR to all permanent missions of Asian and Pacific countries requesting their views on this subject. A consultation meeting with Member States on the proposed subregional approach and on the draft programme of action is scheduled to take place in the margins of the third regular session of the Human Rights Council.

36. Since its establishment in August 2005, the OHCHR regional office for the Pacific region, based in Suva, has engaged with the Suva-based secretariat of the Pacific Islands Forum, the regional intergovernmental organization for the Pacific. In October 2005, the 16 leaders of the region adopted, through the Pacific Islands Forum, a regional policy paper entitled the "Pacific Plan for strengthening regional cooperation and integration". That document includes human rights dimensions and encourages, as a priority matter, all member States of the Forum to ratify international human rights treaties. To support the implementation of the Pacific Plan, the Pacific Islands Forum secretariat and OHCHR-Suva have agreed to cooperate in order to promote the ratification by Pacific countries of the seven core international human rights treaties. OHCHR is preparing a discussion paper entitled "Ratification of international human rights treaties: added value for the Pacific Region", which will go through a consultative process with Pacific States and other stakeholders before being presented at a meeting of States members of the Pacific Islands Forum.

D. Europe

37. OHCHR continued to maintain close cooperation with the Council of Europe, particularly through the Commissioner for Human Rights and the offices of the Council of Europe in the field, such as during the visit of the United Nations High Commissioner for Human Rights to the northern Caucasus in February 2006, or in South-East Europe. In Bosnia and Herzegovina, OHCHR and the Council of Europe offices have been engaged for many years in fruitful cooperation on legal technical expertise. In Kosovo (Serbia), cooperation has focused on capacity-building activities and policy advice with the authorities, the ombudsperson institution and the United Nations Interim Administration Mission in Kosovo. In the former Yugoslav Republic of Macedonia, cooperation recently focused on efforts to promote and follow up the plan of action for the first phase of the World Programme on Human Rights Education.

38. OHCHR is increasingly seeking ways of enhancing synergies with the European Union, in particular with regard to assisting in incorporating human rights principles into the policy, development and humanitarian efforts of the Union.

Additionally, the Office is holding regular consultations with the Organization for Security and Cooperation in Europe on thematic areas of common concern as well as with regard to specific country situations.

E. Latin America and the Caribbean

39. The regional office for Latin American and the Caribbean was established in November 2001, following the signature of a memorandum of intent between OHCHR and the Economic Commission for Latin America and the Caribbean (ECLAC), aimed at disseminating a human rights culture, developing and enhancing the OHCHR network of regional partners, providing advice and assistance as requested by Governments and interacting with the inter-American human rights protection system. The regional office organizes and participates in various seminars and workshops and supports mainstreaming human rights in the activities of ECLAC and United Nations country teams in the region.

40. With regard to the Organization of American States (OAS), the regional representative attended in Fort Lauderdale, United States of America, the thirty-fifth regular session of the OAS General Assembly in 2005. The regional representative also gave lectures at the twenty-third (2005) and twenty-fourth (2006) inter-disciplinary courses in human rights organized by the Inter-American Institute of Human Rights in Costa Rica.

41. In Ecuador, in partnership with the United Nations Development Programme (UNDP), OHCHR supported the United Nations monitoring process (*veeduría*), which led to the appointment and establishment of the new Supreme Court of Justice in 2005 through the deployment of a specialized international consultant who led the monitoring mission from October to November 2005. The mission also coordinated the work undertaken by other international actors, such as OAS and the Andean Community of Nations, and gave concrete follow-up to the recommendations made by the Special Rapporteur on the independence of judges and lawyers.

42. From 5 to 7 September 2005, OHCHR organized, jointly with the Government of Costa Rica, the Department of Political Affairs, UNDP and the inter-American Institute for Human Rights, a regional seminar on democracy, human rights and rule of law. Access to justice, anti-corruption and social justice, addressing conflict situations and security policies were identified as the priority themes and analysed in depth during the seminar. This resulted in the adoption of a large number of concrete recommendations to States, national institutions, civil society organizations and the Inter-American Court and Commission for Human Rights, as well as to OHCHR.

43. OHCHR has been providing grants to the Inter-American Institute of Human Rights to support an OHCHR human rights chair at its annual training course, with a view to facilitating information on and knowledge of United Nations human rights mechanisms and the work of the Office of the High Commissioner.

IV. Conclusion

44. As envisaged in the High Commissioner's plan of action and strategic management plan, OHCHR has been paying particular attention to regional and subregional offices and strategies as a key part and tool of its country engagement strategy. Throughout its planning and activities, OHCHR intends to further develop a leading role to strengthen cooperation between the United Nations and regional arrangements with a view to closing human rights protection gaps. OHCHR will continue to report on relevant actions undertaken and on their outcome to the General Assembly through the Secretary-General, particularly with regard to the establishment and strengthening of regional offices, and their activities.